

REMARKS

Applicants conducted a telephone interview with Examiner Dehghan on December 15, 2010. Applicants thank the Examiner for the time generously extended during the interview.

1. Substance of Interview

Applicants discussed during the interview amending the claims to include the narrower feature of claim 20, previously withdrawn, that the metal material is an oxide dispersion strengthened platinum alloy. The Examiner agreed that it further limits claim 1 and would be examined. In response, Applicants have amended the claims consistent with the interview. During the interview, Applicants also discussed the written description rejection, where the Examiner indicated that the specification does not support “embossed or corrugated plates” as recited in the claims. Applicants directed the Examiner’s attention to the original filed multiple dependent claim 5 (which recites embossed or corrugated plate), which depends from and is further limited by claims 2, 3, and 4. Claim 5 (which recites embossed or corrugated plate) depends on claim 3, which recites at least one strut and is further limited by it or claim 4, which recites thrust or annular ring, and is also further limited by it, therefore, claim 5 provides support for the phrase “embossed or corrugated plate.” The Examiner agreed that original claim 5 and its multiple dependencies provide support for embossed or corrugated plate as recited in the claims. Applicants also discussed the cited prior art and the Examiner agreed that Cozine and Frye do not disclose at least that the metal material is an oxide dispersion strengthened platinum alloy, but the Examiner would have to do another search.

By this amendment, Applicants have amended claim 1 and 31 to include the narrower feature of claim 20 that the metal material is an oxide dispersion strengthened platinum alloy. Claims 24 and 25 have been amended to provide antecedent basis for said axis. Claim 18 has been canceled without disclaimer and Applicants reserve the right to pursue this claim in one or more continuing or divisional applications. These amendments do not add new matter. Applicants respectfully request entry of these amendments and allowance of the pending claims.

2. Allowable Subject Matter

Applicants thank the Examiner for indicating that claim 22 would be allowable if re-written in independent form.

3. Rejection Under 35 U.S.C. §112 First Paragraph

The Examiner rejected claims 31 and 32 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement for “embossed or corrugated plates” as recited in the claims. Applicants directed the Examiner’s attention to the original filed multiple dependent claim 5 (which recites embossed or corrugated plate), which depends from and is further limited by claims 2, 3, and 4. Claim 5 (which recites embossed or corrugated plate) depends on claim 3, which recites at least one strut and is further limited by it or claim 4, which recites thrust or annular ring, and is also further limited by it, therefore, claim 5 provides support for the phrase “embossed or corrugated plate” recited in the claims. The Examiner agreed that original claim 5 and its multiple dependencies provide support for embossed or corrugated plate during the interview. Therefore, this rejection is now moot.

4. Rejection Under 35 U.S.C. §112 Second Paragraph

Claims 24-25 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for reciting “said axis”. By this amendment, Applicants have amended claims 24 and 25 to recite an axis. Therefore, this rejection is now moot.

5. Rejections Under 35 U.S.C. §103(a)

The Examiner rejected claims 1-2, 14-17, and 23-26 under 35 U.S.C. 103(a) as allegedly being obvious in view of U.S. Patent No. 3,364,004 (Cozine) and claim 18 as allegedly being unpatentable over Cozine in view of U.S. Patent No. 3,236,619 (Frye). Applicants respectfully traverse these rejections.

Applicants respectfully submit that none of the cited prior art make obvious, among other things, that the metal material is an oxide dispersion strengthened platinum alloy as currently claimed.

Cozine teaches an apparatus for drawing glass in cylindrical form. Cozine does not disclose or make obvious that the metal material is an oxide dispersion strengthened platinum alloy as currently claimed.

Like Cozine, Frye does not make the current claims obvious. Frye discloses a glass tube forming apparatus. In Frye, the external sleeve 24 is not self-supporting but is carried and held in shape by the intermediate refractory member 21. This member shows recesses 28 in which a heating element 27 can be placed. These recesses, however, do not (and are incapable of) providing any structural support for sleeve 24. This is in contrast to the current application that discloses the plurality of support struts or annular rings 21 that provide support to the mandrel as shown in Figure 2. In Figure 3, of the current application, a corrugated plate 7 is placed inside the metal jacket 22 in such a way that the corrugations are perpendicular to the longitudinal axis of the mandrel so the annular rings or support struts are formed by the corrugations. This design is not disclosed and is not made obvious by Frye. Further, Frye does not disclose or make obvious that the metal material is an oxide dispersion strengthened platinum alloy as currently claimed.

Moreover, Applicants submit that the selection of the metal material for the metal jacket is not an arbitrary selection. With Danner pipes there is a general problem in making a glass tube, the re-crystallization of the glass causes uncontrolled breakage of the glass tube that is highly undesirable. This is caused by a lowered temperature on the surface of the Danner pipe close to the end, in particular when made of material with the characteristic heat emission properties of a metal surface, even if platinum material has other desirable properties. For this reason something like a "black platinum" would be highly beneficial, but is unavailable. It was surprisingly found that the problem associated with the heat emission properties of platinum could be solved by electing oxide-dispersion strengthened platinum due to its slightly darker color and lower

gloss/matted appearance that would increase the temperature of the Danner pipe when made of oxide-dispersion strengthened platinum. Accordingly, Applicants submit that the current claims are not obvious over the cited prior art.

Further, Applicants submit that one of ordinary skill in the art would not combine Cozine and Frye the way the Examiner does and even if one of ordinary skill in the art was to combine them they still would not obtain the self-supporting metal jacket having an oxide-dispersion strengthened platinum as recited in the claims. Accordingly, none of the cited prior art references make the current claims obvious. Applicants respectfully request that the rejections under 35 U.S.C. §103 (a) be reconsidered and withdrawn.

6. Conclusion

Reconsideration and allowance are respectfully requested. Applicants hereby request a one-month extension of time under 37 CFR 1.136(a). Applicants also concurrently file a Request for a Continued Examination (RCE) and authorize the Patent Office to charge the requisite fee amounts to Kalow & Springut's credit card.

If any further fees are deemed due, or an overpayment has been made, please charge, or credit, Deposit Account No. 11-0171 for such sum. If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicant's attorney at the telephone number provided below.

Respectfully submitted,

/William D. Schmidt/
William D. Schmidt
Registration No.: 39,492
Attorney for Applicant

Kalow & Springut LLP
Telephone No.: (212) 813-1600